THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.768 of 2000

18.8.2006

Between:

M/s.Sri Srinivasa Aqua Farm, Kakinada represented by its Managing Partner – B.V.Trinadh

… Petitioner

AND

The Secretary to Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad

And another

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

The land covered by survey No.276/31 to 276/40 admeasuring Acs.24.00 situated at Korangi Village of Tallarevu Mandal in East Godavari District was assigned to some of the persons by way of D-Form pattas. It is alleged that all these persons formed into a partnership firm in the name and style of M/s.Sri Srinivasa Aqua Farm, Kakinada, and took up aqua culture. The Mandal Revenue Officer, Tallarevu (MRO), however, initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, or brevity) and issued notice in Form-I under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity) calling upon the petitioner to show cause as to why the land should not be resumed for contravention of the provisions under Section 3(2) of the Act. Feeling aggrieved by the same, the petitioner made revision to the first respondent, who by impugned memo dated 04.1.2000 declined to interfere with the show cause notice and duly upheld the show cause notice issued by the MRO.

This Court while admitting the writ petition on 28.1.2000 ordered *status quo* as to possession. It is now brought to the notice of this Court that the MRO, who initially issued show cause notice on 10.10.1996 to the assignees as well as the petitioner, passed final

orders under Section 4 of the Act on 30.10.1996. The learned Assistant Government Pleader for Revenue (General), however, does not dispute that the petitioner is still in possession of the property.

It is no doubt true that the MRO statedly passed orders on 30.10.1996. By that time, the revision petition filed by the petitioner before the Government was pending. Therefore, there was no opportunity to the petitioner to represent its case. Whether the assignees themselves formed into partnership firm in the name and style of M/s.Sri Srinivasa Aqua Farm, Kakinada (the petitioner herein) or there was indeed alienation/transfer of the assigned lands in their favour are the questions of fact, which have to be enquired into by the MRO. Therefore, though this Court is not inclined into interfere with the impugned memo, liberty is given to the petitioner to approach the MRO and submit explanation within a period of two weeks from the date of receipt of a copy of this order. As and when such explanation is submitted, the MRO shall conduct enquiry and pass appropriate orders insofar as the land in possession of the petitioner is concerned. If the petitioner is in possession of the property, there shall be *status quo* as on today.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 18, 2006.

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